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Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Report of the Special Political and Decolonization Committee (Fourth Committee)

Rapporteur: Mr. Kais **Kabtani** (Tunisia)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" and to allocate it to the Special Political and Decolonization Committee (Fourth Committee).

2. At its 1st meeting, on 30 September 2004, the Fourth Committee decided to hold a general debate covering agenda items 20, 79, 80, 81 and 82. The general debate on the items was held at the 2nd to 6th meetings, from 4 to 8 October (see A/C.4/59/SR.2-6). The Committee took action on item 20 at its 8th, 10th and 11th meetings, on 12, 14 and 18 October (see A/C.4/59/SR.8, 10 and 11).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Chapters VIII-X and XII of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;[1]

(b) The report of the Secretary-General on the question of Western Sahara (A/59/134).

4. At the 2nd meeting, on 4 October, the Rapporteur of the Special Committee made a statement in which he gave an account of the relevant activities of the

[1] To be issued in *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23).

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Special Committee during 2004 (see A/C.4/59/SR.2). He also introduced the report of the Special Committee, containing, inter alia, the related draft resolutions submitted by the Special Committee for the consideration of the Fourth Committee.

5. At the same meeting, the representative of Papua New Guinea made a statement in his capacity as Chairman of the Special Committee (see A/C.4/59/SR.2).

6. At its 3rd meeting, on 5 October, the Fourth Committee granted requests for hearing to the following petitioners in connection with its consideration of the item:

(a) J. J. Bossano, Leader of the Opposition, Gibraltar (A/C.4/59/2);

(b) Ahmed Boukhari, Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) (A/C.4/59/3);

(c) Karin Finkler, on behalf of Joseph R. Pitts, Member of Congress of the United States of America (A/C.4/59/3/Add.1);

(d) Cristina del Valle, the Platform of Women Artists against Gender Violence (A/C.4/59/3/Add.2);

(e) Melody Divine, Foreign Affairs Adviser, United States Congress (A/C.4/59/3/Add.3);

(f) Antonio López Ortiz, Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui (A/C.4/59/3/Add 4);

(g) Felipe Briones Vives, International Association of Jurists for Western Sahara (A/C.4/59/3/Add.5);

(h) Txomin Aurrekoetxea, member Basque, Parliament (A/C.4/59/3/Add.6);

(i) Francisco José Alonso Rodríguez, Liga Pro Derechos Humanos (A/C.4/59/3/Add.7);

(j) Suzanne Scholte, Defense Forum Foundation (A/C.4/59/3/Add.8);

(k) Montserrat Boix, Mujeres en Red (A/C.4/59/3/Add.9);

(l) Vanessa Ramos, American Association of Jurists (A/C.4/59/3/Add.10);

(m) Pedro Pinto Leite, International Platform of Jurists for East Timor (A/C.4/59/3/Add.11);

(n) Jason I. Poblete, U.S./Western Sahara Foundation, Defense Forum Foundation (A/C.4/59/3/Add.12);

(o) Janet Lenz, Saharawi Children's Program (A/C.4/59/3/Add.13);

(p) Francisco Javier Morillas Gómez, State Coordinating Committee of the Association of the Friends of the Saharan People (A/C.4/59/3/Add.14);

(q) Louis Parascand, Faith Community Church (A/C.4/59/3/Add.15);

(r) Fernando Iñiguez, Asociación de Periodistas Especializados en Musica, Ocio y Cultura (A/C.4/59/3/Add.16);

(s) Hilt Teuwen, Oxfam Solidarity and the European Coordination of Support for the Saharawi People (A/C.4/59/3/Add.17);

(t) Julien Dedenis, Association des Amis de la République Arabe Sahraouie Démocratique (A/C.4/59/3/Add.18);

(u) David Lippiat, President/CEO, We International (A/C.4/59/3/Add.19);

(v) Liesbeth den Haan, Chairwoman, Netherlands Foundation for Self-Determination in Western Sahara (A/C.4/59/3/Add.20);

(w) Tarik Belkhodja, Comité Méditerranée (A/C.4/59/3/Add.21).

7. At the 4th meeting, on 6 October, with the Committee's consent and in accordance with established practice, Carlyle Corbin, a representative of the Governor of the United States Virgin Islands, made a statement (see A/C.4/59/SR.4).

8. At the same meeting, with the Committee's consent and in accordance with established practice, the Chief Minister of Gibraltar, Peter Caruana, made a statement (see A/C.4/59/SR.4).

9. Also at the same meeting, the Leader of the Opposition in Gibraltar, J. J. Bossano, made a statement (see A/C.4/59/SR.4).

10. Also at the 4th meeting, the Committee heard the following petitioners: Ahmed Boukhari, Karin Finkler (on behalf of Joseph Pitts), Melody Divine, Suzanne Scholte, Pedro Pinto Leite, Janet Lenz, Louis Parascand and Christina del Valle (see A/C.4/59/SR.4).

11. At its 5th meeting, on 7 October, the Committee heard the following petitioners: Antonio López Ortiz, Felipe Briones Vives, Txomin Aurrekoetxea, Francisco José Alonso Rodríguez, Vanessa Ramos, Francisco Javier Morillas Gomez, Fernando Iñiguez, Greet De Causmaecker (on behalf of Hilt Teuwen), Julien Dedenis, Charles Scheiner (on behalf of Liesbeth den Haan), Tarik Belkhodja and David Lippiat (see A/C.4/59/SR.5).

12. At the 8th meeting, on 12 October, the Chairman stated that the Secretariat had informed him that there were no programme budget implications stemming from the proposals submitted under item 20.

II. Consideration of proposals

A. Question of Western Sahara

13. At the 8th meeting, on 12 October, the representative of Nigeria, on behalf of Algeria, Angola, Antigua and Barbuda, the Bahamas, Cuba, Ethiopia, Fiji, Grenada, Jamaica, Kenya, Lesotho, Mauritius, Mozambique, Namibia, Nigeria, South Africa, Timor-Leste, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution entitled "Question of Western Sahara" (A/C.4/59/L.4). Subsequently, Barbados, Belize, Botswana, Burundi, Dominica, the Lao People's Democratic Republic, Liberia, Malawi, Micronesia (Federated States of), Nauru, the Niger, Palau, Papua New Guinea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sierra Leone, Solomon Islands, Suriname, Tonga, Trinidad and Tobago, Uganda and Venezuela joined in sponsoring the draft resolution.

14. At the same meeting, the Committee decided to defer action on draft resolution A/C.4/59/L.4 for 48 hours.

15. At its 10th meeting, on 14 October, the Committee was informed that the Bahamas, Barbados, the Lao People's Democratic Republic, the Niger and Saint Kitts and Nevis had withdrawn from the list of sponsors.

16. At the same meeting, the Committee decided to defer action on draft resolution A/C.4/58/L.4 until Monday, 18 October.

17. At the 11th meeting, on 18 October, the Chairman drew the attention of the Committee to the following corrections to the draft resolution:

(a) In the third preambular paragraph, the words "17 December 2004" were replaced by the words "9 December 2003";

(b) In operative paragraphs 8 and 9, the words "fifty-ninth session" were replaced by the words "sixtieth session".

18. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.4, as corrected, by a recorded vote of 52 to none, with 89 abstentions (see para. 38, draft resolution I). The voting was as follows:

In favour:

Algeria, Angola, Antigua and Barbuda, Armenia, Bahamas, Barbados, Belize, Bolivia, Botswana, Burundi, Cambodia, China, Colombia, Cuba, Dominica, El Salvador, Ethiopia, Fiji, Grenada, Guyana, Honduras, Jamaica, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Malaysia, Mauritius, Mexico, Micronesia (Federated States of), Mozambique, Myanmar, Namibia, Nauru, Nigeria, Palau, Panama, Papua New Guinea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, South Africa, Suriname, Timor-Leste, Trinidad and Tobago, Uganda, United Republic of Tanzania, Venezuela, Viet Nam, Zambia, Zimbabwe.

Against:

None.

Abstaining:

Andorra, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Benin, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, Comoros, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

19. At the same meeting, statements in explanation of position were made by the representatives of Senegal, Guinea, Cameroon, the United States of America, Brazil,

Myanmar, the Netherlands (on behalf of the European Union), Indonesia, Japan, Egypt, El Salvador, Guatemala, Chile, the Russian Federation, Canada, Ukraine and Pakistan (see A/C.4/59/SR.11).

20. At the same meeting, the representatives of Algeria and Morocco made statements (see A/C.4/59/SR.11).

B. Question of New Caledonia

21. At its 8th meeting, on 12 October, the Committee decided to defer for 48 hours action on the draft resolution entitled "Question of New Caledonia" contained in chapter XII, section D, of the report of the Special Committee.[1]

22. At its 10th meeting, on 14 October, the Committee decided to defer action on the draft resolution to Monday, 18 October.

23. At the 11th meeting, on 18 October, the representative of Papua New Guinea orally introduced an amendment by which, in operative paragraph 8, the words "the rights of all New Caledonians, especially the indigenous Kanak people" would be replaced by the words "the rights and identity of all the sectors of the population".

24. At the same meeting, the Committee adopted the draft resolution entitled "Question of New Caledonia" contained in chapter XII, section D, of the report of the Special Committee,[1] as orally amended, without a vote (see para. 38, draft resolution II).

25. At the same meeting, the representative of France made a statement (see A/C.4/59/SR.11).

C. Question of Tokelau

26. At its 8th meeting, on 12 October, the Committee adopted the draft resolution entitled "Question of Tokelau" contained in chapter XII, section E, of the report of the Special Committee[1] without a vote (see para. 38, draft resolution III).

D. Question of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands

27. At its 8th meeting, on 12 October, the Committee adopted the consolidated draft resolution entitled "Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands" contained in chapter XII, section F, of the report of the Special Committee[1] without a vote (see para. 38, draft resolution IV).

28. At the same meeting, statements in explanation of position were made by the representatives of Spain, Argentina and the United Kingdom of Great Britain and Northern Ireland (see A/C.4/59/SR.8).

E. Dissemination of information on decolonization

29. At its 8th meeting, on 12 October, the Committee adopted the draft resolution entitled "Dissemination of information on decolonization" contained in chapter XII, section G, of the report of the Special Committee[1] by a recorded vote of 136 to 3, with 1 abstention (see para. 38, draft resolution V). The voting was as follows:

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, Gabon, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

France.

F. Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

30. At its 8th meeting, on 12 October, the Committee had before it a draft resolution entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" (A/C.4/59/L.3), sponsored by the Congo, Cuba, Mali, Papua New Guinea, the Russian Federation, Saint Lucia and the Syrian Arab Republic. The Committee was informed that Russian Federation was not a sponsor of the draft resolution.

31. At the same meeting, the Committee adopted draft resolution A/C.4/59/L.3 by a recorded vote of 133 to 2, with 5 abstentions (see para. 38, draft resolution VI). The voting was as follows:

In favour:

Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Finland, Gabon, Greece, Grenada, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Belgium, France, Georgia, Germany, Israel.

G. Question of Gibraltar

32. At its 8th meeting, on 12 October, the Committee had before it a draft decision entitled "Question of Gibraltar" (A/C.4/59/L.6), submitted by the Chairman.

33. At the same meeting, the Committee adopted draft decision A/C.4/59/L.6 without a vote (see para. 39, draft decision I).

H. Increase in the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

34. At its 8th meeting, on 12 October, the Committee had before it a draft decision entitled "Increase in the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples" (A/C.4/59/L.2), submitted by Papua New Guinea on behalf of the members of the Special Committee, which read:

> "The General Assembly decides to increase the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples from twenty-five to twenty-six and to appoint Dominica as a member of the Committee."

35. At the same meeting, the Committee decided to defer action on the draft decision.

36. At its 11th meeting, on 18 October, the Committee had before it a revised draft decision (A/C.4/59/L.2/Rev.1) submitted by the sponsor of draft decision A/C.4/59/L.2.

37. At the same meeting, the Committee adopted draft decision A/C.4/59/L.2/Rev.1 without a vote (see para. 39, draft decision II).

III. Recommendations of the Special Political and Decolonization Committee (Fourth Committee)

38. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Question of Western Sahara

The General Assembly,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 58/109 of 9 December 2003,

Recalling also all resolutions of the General Assembly and the Security Council on the question of Western Sahara,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Security Council approved the settlement plan for Western Sahara,[1]

Recalling Security Council resolutions 1359 (2001) of 29 June 2001 and 1429 (2002) of 30 July 2002, as well as resolution 1495 (2003) of 31 July 2003, in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara[2] as an optimum political solution on the basis of agreement between the two parties, and resolution 1541 (2004) of 29 April 2004,

Taking note of the responses of the parties and neighbouring States to the Personal Envoy of the Secretary-General, concerning the peace plan, contained in the report of the Secretary-General of 23 May 2003,[3]

Reaffirming the responsibility of the United Nations towards the people of Western Sahara,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal made by the Secretary-General,[4] and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Underlining, in this regard, the validity of the settlement plan, while noting the fundamental differences between the parties in its implementation,

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[1] See S/21360 and S/22464 and Corr.1.
[2] S/2003/565 and Corr.1, annex II.
[3] S/2003/565 and Corr.1.
[4] See A/58/171.

Stressing that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

Welcoming the efforts of the Secretary-General in search of a mutually acceptable political solution, which will provide for self-determination of the people of Western Sahara,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[5]

Having also examined the report of the Secretary-General,[6]

1. *Takes note* of the report of the Secretary-General;[6]

2. *Underlines* Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;

3. *Continues to support strongly* the efforts of the Secretary-General in order to achieve a mutually acceptable political solution to the dispute over Western Sahara;

4. *Commends* the Secretary-General for his outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provide for those efforts;

5. *Calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General;

6. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara;

7. *Calls upon* the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of the people unaccounted for, and calls upon the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;

8. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the General Assembly at its sixtieth session;

9. *Invites* the Secretary-General to submit to the General Assembly at its sixtieth session a report on the implementation of the present resolution.

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[5] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23), chap. VIII.

[6] A/59/134.

Draft resolution II
Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia,[1]

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

Noting with satisfaction the intensification of contacts between New Caledonia and neighbouring countries of the South Pacific region,

1. *Welcomes* the significant developments that have taken place in New Caledonia as exemplified by the signing of the Nouméa Accord of 5 May 1998 by the representatives of New Caledonia and the Government of France;[2]

2. *Urges* all the parties involved, in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord, their dialogue in a spirit of harmony;

3. *Notes* the relevant provisions of the Nouméa Accord aimed at taking more broadly into account the Kanak identity in the political and social organization of New Caledonia, and also those provisions of the Accord relating to control of immigration and protection of local employment;

4. *Also notes* the relevant provisions of the Nouméa Accord to the effect that New Caledonia may become a member or associate member of certain international organizations, such as international organizations in the Pacific region, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the International Labour Organization, according to their regulations;

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[1] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23), chap. VIII.

[2] A/AC.109/2114, annex.

5. *Further notes* the agreement between the signatories of the Nouméa Accord that the progress made in the emancipation process shall be brought to the attention of the United Nations;

6. *Welcomes* the fact that the administering Power invited to New Caledonia, at the time the new institutions were established, a mission of information which comprised representatives of countries of the Pacific region;

7. *Calls upon* the administering Power to transmit information regarding the political, economic and social situation of New Caledonia to the Secretary-General;

8. *Invites* all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights and identity of all the sectors of the population, according to the letter and the spirit of the Nouméa Accord, which is based on the principle that it is for the populations of New Caledonia to choose how to control their destiny;

9. *Welcomes* measures that have been taken to strengthen and diversify the New Caledonian economy in all fields, and encourages further such measures in accordance with the spirit of the Matignon and Nouméa Accords;

10. *Also welcomes* the importance attached by the parties to the Matignon and Nouméa Accords to greater progress in housing, employment, training, education and health care in New Caledonia;

11. *Acknowledges* the contribution of the Melanesian Cultural Centre to the protection of the indigenous Kanak culture of New Caledonia;

12. *Notes* the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

13. *Acknowledges* the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French and territorial authorities to facilitate the further development of those links, including the development of closer relations with the countries members of the Pacific Islands Forum;

14. *Welcomes*, in this regard, the accession by New Caledonia to the status of observer in the Pacific Islands Forum, continuing high-level visits to New Caledonia by delegations from countries of the Pacific region and high-level visits by delegations from New Caledonia to countries members of the Pacific Islands Forum;

15. *Decides* to keep under continuous review the process unfolding in New Caledonia as a result of the signing of the Nouméa Accord;

16. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to examine the question of the Non-Self-Governing Territory of New Caledonia and to report thereon to the General Assembly at its sixtieth session.

Draft resolution III
Question of Tokelau

The General Assembly,

Having considered the question of Tokelau,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Tokelau,[1]

Noting with appreciation the continuing exemplary cooperation of New Zealand as the administering Power with regard to the work of the Special Committee relating to Tokelau and its readiness to permit access by United Nations visiting missions to the Territory,

Noting also with appreciation the collaborative contribution to the development of Tokelau by New Zealand and the specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme,

Recalling the inauguration in 1999 of a national legislative body, the General Fono, based on village elections by universal adult suffrage and the assumption by that body in June 2003 of full responsibility for the Tokelau budget,

Recalling also the report of the United Nations mission dispatched in August 2002 to Tokelau at the invitation of the Government of New Zealand and the representatives of Tokelau,[2]

Noting that, as a small island Territory, Tokelau exemplifies the situation of most remaining Non-Self-Governing Territories and that, as a case study pointing to successful cooperation for decolonization, Tokelau has wider significance for the United Nations as it seeks to complete its work in decolonization,

Recalling that New Zealand and Tokelau signed in November 2003 a document entitled "Joint statement of the principles of partnership", which sets out in writing, for the first time, the rights and obligations of the two partner countries,

Recalling also the decision of the General Fono at its meeting in November 2003, following extensive consultations undertaken in all three villages, to explore formally with New Zealand the option of self-government in free association,

1. *Notes* that Tokelau remains firmly committed to the development of self-government and to an act of self-determination that would result in Tokelau assuming a status in accordance with the options on future status for Non-Self-Governing Territories contained in principle VI of the annex to General Assembly resolution 1541 (XV) of 15 December 1960;

2. *Welcomes* the substantial progress made in the past year towards the devolution of power to the three taupulega (village councils), in particular the delegation of the Administrator's powers to the three taupulega with effect from

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23), chap. X.

[2] A/AC.109/2002/31.

1 July 2004 and the assumption by each taupulega from that date of full responsibility for the management of all its public services;

3. *Notes in particular* the decision of the General Fono in November 2003, following extensive consultations in all three villages and a meeting of the Special Committee on the Constitution of Tokelau, to explore formally with New Zealand the option of self-government in free association, and the discussions now under way between Tokelau and New Zealand pursuant to the General Fono decision;

4. *Notes* that the General Fono has endorsed a series of recommendations of the workshop of the Special Committee on the Constitution held in Tokelau in October 2003 with the support of the United Nations Development Programme relating to Tokelau's Constitution, the role and functioning of the General Fono, the judicial system and international human rights conventions;

5. *Acknowledges* Tokelau's initiative in devising a strategic economic development plan for the period 2002-2004 to advance its capacity for self-government;

6. *Also acknowledges* the continuing assistance that New Zealand has committed to promoting Tokelau's self-government as well as the cooperation of the United Nations Development Programme;

7. *Further acknowledges* Tokelau's need for continued reassurance, given the cultural adjustments that are taking place with the strengthening of its capacity for self-government and, since local resources cannot adequately cover the material side of self-determination, the ongoing responsibility of Tokelau's external partners to assist Tokelau in balancing its desire to be self-reliant to the greatest extent possible with its need for external assistance;

8. *Welcomes* the establishment of an international trust fund to support Tokelau's future development needs, and urges all Member States and international and regional agencies to contribute to the fund and thereby lend practical support to assist this emerging country in overcoming the problems of smallness, isolation and lack of resources;

9. *Welcomes* the assurance of the Government of New Zealand that it will meet its obligations to the United Nations with respect to Tokelau and abide by the freely expressed wishes of the people of Tokelau with regard to their future status;

10. *Also welcomes* the cooperative attitude of the other States and territories in the region towards Tokelau, its economic and political aspirations and its increasing participation in regional and international affairs;

11. *Further welcomes* Tokelau's associate membership in the United Nations Educational, Scientific and Cultural Organization and its recent accession to membership in the Forum Fisheries Agency;

12. *Calls upon* the administering Power and United Nations agencies to continue to provide assistance to Tokelau as it further develops its economy and governance structures in the context of its ongoing constitutional evolution;

13. *Notes with satisfaction* the invitation of the Ulu o Tokelau to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial

Countries and Peoples to attend the workshop of the Special Committee on the Constitution to be held in October 2004 in the Tokelau Islands;

14. *Requests* the Special Committee to continue to examine the question of the Non-Self-Governing Territory of Tokelau and to report thereon to the General Assembly at its sixtieth session.

Draft resolution IV
Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands

A
General

The General Assembly,

Having considered the questions of the Non-Self-Governing Territories of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, hereinafter referred to as "the Territories",

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[1]

Recalling all resolutions and decisions of the United Nations relating to those Territories, including, in particular, the resolutions adopted by the General Assembly at its fifty-eighth session on the individual Territories covered by the present resolution,

Recognizing that all available options for self-determination of the Territories are valid as long as they are in accordance with the freely expressed wishes of the peoples concerned and in conformity with the clearly defined principles contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1541 (XV) of 15 December 1960 and other resolutions of the Assembly,

Recalling General Assembly resolution 1541 (XV), containing the principles that should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 *e* of the Charter of the United Nations,

Expressing its concern that more than forty-three years after the adoption of the Declaration there still remain a number of Non-Self-Governing Territories,

Conscious of the importance of continuing effective implementation of the Declaration, taking into account the target set by the United Nations to eradicate colonialism by 2010 and the plan of action for the Second International Decade for the Eradication of Colonialism,[2]

Recognizing that the specific characteristics and the sentiments of the peoples of the Territories require flexible, practical and innovative approaches to the options of self-determination, without any prejudice to territorial size, geographical location, size of population or natural resources,

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23), chap. IX.

[2] See A/56/61, annex.

Taking note of the stated position of the Government of the United Kingdom of Great Britain and Northern Ireland on the Non-Self-Governing Territories under its administration,[3]

Taking note also of the stated position of the Government of the United States of America on the Non-Self-Governing Territories under its administration,[4]

Noting the constitutional developments in some Non-Self-Governing Territories about which the Special Committee has received information,

Aware of the usefulness both to the Territories and to the Special Committee of the participation of elected and appointed representatives of the Territories in the work of the Special Committee,

Convinced that the wishes and aspirations of the peoples of the Territories should continue to guide the development of their future political status and that referendums, free and fair elections and other forms of popular consultation play an important role in ascertaining the wishes and aspirations of the people,

Convinced also that any negotiations to determine the status of a Territory must take place with the active involvement and participation of the people of that Territory, under the supervision of the United Nations, on a case-by-case basis, and that the views of the peoples of the Non-Self-Governing Territories in respect of their right to self-determination should be ascertained,

Aware of the importance of international financial services for the economies of some of the Non-Self-Governing Territories,

Noting the continued cooperation of the Non-Self-Governing Territories at the local and regional levels, including their participation in the work of regional organizations,

Mindful that United Nations visiting missions provide an effective means of ascertaining the situation in the Territories, that some Territories have not received a United Nations visiting mission for a long time and that no visiting missions have been sent to some of the Territories, and considering the possibility of sending further visiting missions to the Territories at an appropriate time and in consultation with the administering Powers,

Mindful also that, in order for the Special Committee to enhance its understanding of the political status of the peoples of the Territories and to fulfil its mandate effectively, it is important for it to be apprised by the administering Powers and to receive information from other appropriate sources, including the representatives of the Territories, concerning the wishes and aspirations of the peoples of the Territories,

Recognizing the need for the Special Committee to embark actively on a public awareness campaign aimed at assisting the peoples of the Territories in gaining an understanding of the options of self-determination,

Mindful, in this connection, that the holding of regional seminars in the Caribbean and Pacific regions and at Headquarters and other venues, with the active

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[3] See *Official Records of the General Assembly, Fifty-eighth Session, Fourth Committee*, 2nd meeting (A/C.4/58/SR.2), and corrigendum.

[4] Ibid., *Plenary Meetings*, 72nd meeting (A/58/PV.72), and corrigendum.

participation of representatives of the Non-Self-Governing Territories, provides a helpful means for the Special Committee to fulfil its mandate, and that the regional nature of the seminars, which alternate between the Caribbean and the Pacific, is a crucial element in their success, while recognizing the need for reviewing the role of those seminars in the context of a United Nations programme for ascertaining the political status of the Territories,

Mindful also that, by holding a Pacific regional seminar in Madang, Papua New Guinea, from 18 to 20 May 2004, the Special Committee was able to hear the views of the representatives of the Territories and Member States as well as organizations and experts in the region, in order to review the political, economic and social conditions in the Territories,

Conscious of the particular vulnerability of the Territories to natural disasters and environmental degradation and, in this connection, bearing in mind the programmes of action of the United Nations Conference on Environment and Development,[5] the World Conference on Natural Disaster Reduction,[6] the Global Conference on the Sustainable Development of Small Island Developing States,[7] the International Conference on Population and Development,[8] the United Nations Conference on Human Settlements (Habitat II),[9] the World Summit on Sustainable Development[10] and other relevant world conferences,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system,

Recalling the ongoing efforts of the Special Committee in carrying out a critical review of its work with the aim of making appropriate and constructive recommendations and decisions to attain its objectives in accordance with its mandate,

1. *Reaffirms* the inalienable right of the peoples of the Territories to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Reaffirms also* that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;

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[5] See *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: *Resolutions adopted by the Conference*.

[6] See A/CONF.172/9, chap. I.

[7] See *Report of the Global Conference on the Sustainable Development of Small Island Developing States, Bridgetown, Barbados, 25 April-6 May 1994* (United Nations publication, Sales No. E.94.I.18 and corrigenda), chap. I.

[8] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[9] *Report of the United Nations Conference for Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution 1, annex II.

[10] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

3. *Reaffirms further* that it is ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection reiterates its long-standing call for the administering Powers, in cooperation with the territorial Governments, to promote political education in the Territories in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in General Assembly resolution 1541 (XV);

4. *Requests* the administering Powers to continue to transmit to the Secretary-General information called for under Article 73 *e* of the Charter;

5. *Stresses* the importance of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples being apprised of the views and wishes of the peoples of the Territories and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between the Non-Self-Governing Territories and their respective administering Powers;

6. *Reaffirms* the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of the Territories, and recommends that priority continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. *Requests* the Special Committee to continue to follow closely the developments in legislation in the area of international financial services and its impact on the economy in some of the Territories;

8. *Requests* the Territories and the administering Powers to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and once again requests the specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. *Welcomes* the participation of the Non-Self-Governing Territories in regional activities, including the work of regional organizations;

10. *Stresses* the importance of implementing the plan of action for the Second International Decade for the Eradication of Colonialism,[2] in particular by expediting the application of the work programme for the decolonization of each Non-Self-Governing Territory, on a case-by-case basis;

11. *Invites* the administering Powers to participate fully in the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration;

12. *Urges* Member States to contribute to the efforts of the United Nations to usher in a world free of colonialism within the Second International Decade for the Eradication of Colonialism, and calls upon them to continue to give their full support to the Special Committee in its endeavours towards that noble goal;

13. *Notes* that some Non-Self-Governing Territories have expressed concern at the procedure followed by one administering Power, contrary to the wishes of the Territories themselves, namely, of amending or enacting legislation for the Territories through Orders in Council, in order to apply to the Territories the international treaty obligations of the administering Power;

14. *Takes note* of the constitutional reviews in the Territories administered by the United Kingdom of Great Britain and Northern Ireland and led by the territorial Governments;

15. *Reiterates its requests* to the Secretary-General to report to the General Assembly on the implementation of decolonization resolutions since the proclamation of the Second International Decade for the Eradication of Colonialism for the purpose of a midterm review in 2005;

16. *Requests* the Special Committee to continue to examine the question of the Non-Self-Governing Territories and to report thereon to the General Assembly at its sixtieth session with recommendations on appropriate ways to assist the peoples of the Territories in exercising their right to self-determination.

B

Individual Territories

The General Assembly,

Referring to resolution A above,

I

American Samoa

Taking note of the report by the administering Power that most American Samoan leaders express satisfaction with the Territory's present relationship with the United States of America, as reflected in statements made by those leaders in the regional seminars held in Havana, Cuba, Nadi, Fiji, and Madang, Papua New Guinea, in 2001, 2002 and 2004, respectively,

Noting that the Government of the Territory continues to take steps to increase revenue and decrease government expenditure,

Noting also that the Territory, similar to isolated communities with limited funds, continues to experience a lack of adequate medical and other infrastructural facilities,

1. *Notes* that the Department of the Interior of the United States of America provides that the Secretary of the Interior has administrative jurisdiction over American Samoa;

2. *Calls upon* the administering Power to continue to assist the territorial Government in the economic and social development of the Territory, including measures to rebuild financial management capabilities and strengthen other governmental functions of the Government of the Territory, and welcomes the assistance from the administering Power to the Territory in its recovery efforts following the recent floods;

3. *Welcomes* the invitation extended to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of

Independence to Colonial Countries and Peoples by the Governor of American Samoa at the Pacific regional seminar held in Madang from 18 to 20 May 2004 to send a visiting mission to the Territory, calls upon the administering Power to facilitate such a mission and requests the Chairman of the Special Committee to take all the necessary steps to that end;

II
Anguilla

Taking note of the constitutional review process led by the territorial Government,

Recalling the holding of the 2003 Caribbean regional seminar in Anguilla, the first time that the seminar has been held in a Non-Self-Governing Territory,

Noting the desire of the territorial Government and the people of Anguilla for a visiting mission by the Special Committee,

Aware of the efforts of the Government of Anguilla to continue to develop the Territory as a viable offshore centre and well-regulated financial centre for investors by enacting modern company and trust laws, as well as partnership and insurance legislation, and computerizing the company registry system,

1. *Welcomes* the constitutional review process led by the Government of Anguilla in cooperation with the administering Power;

2. *Recalls* the cooperation of the territorial Government of Anguilla and the United Kingdom of Great Britain and Northern Ireland in holding the 2003 Caribbean regional seminar in Anguilla, and notes that the staging of the seminar in a Non-Self-Governing Territory for the first time, as well as a town hall meeting between the people of Anguilla and the Special Committee during the seminar, contributed to its success;

III
Bermuda

Noting the results of the independence referendum held on 16 August 1995, and conscious of the different viewpoints of the political parties of the Territory on the future status of the Territory,

1. *Welcomes* the agreement reached in June 2002 between the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Territory formally transferring the former military base lands to the territorial Government, and the provision of financial resources to address some of the environmental problems;

2. *Decides* to closely follow the territorial consultations on the future status of Bermuda and to facilitate assistance to the Territory in a public educational programme, if requested, as well as to hold consultations and to make all necessary arrangements to have a visiting mission to the Territory;

IV
British Virgin Islands

Taking note of the constitutional review process led by the territorial Government,

Noting that the Territory continues to emerge as one of the world's leading offshore financial centres,

Welcomes the constitutional review process led by the Government of the British Virgin Islands in cooperation with the administering Power;

V
Cayman Islands

Taking note of the constitutional review process led by the territorial Government,

Noting the approval by the Cayman Islands Legislative Assembly of the Territory's Vision 2008 Development Plan, which aims to promote development that is consistent with the aims and values of Caymanian society,

Welcomes the continuing constitutional review process led by the Government of the Cayman Islands in cooperation with the administering Power;

VI
Guam

Recalling that, in a referendum held in 1987, the registered and eligible voters of Guam endorsed a draft Guam Commonwealth Act that would establish a new framework for relations between the Territory and the administering Power, providing for a greater measure of internal self-government for Guam and recognition of the right of the Chamorro people of Guam to self-determination for the Territory,

Recalling also the requests by the elected representatives and non-governmental organizations of the Territory that Guam not be removed from the list of the Non-Self-Governing Territories with which the Special Committee is concerned, pending the self-determination of the Chamorro people and taking into account their legitimate rights and interests,

Aware that negotiations between the administering Power and the territorial Government on the draft Guam Commonwealth Act are no longer continuing and that Guam has established the process for a self-determination vote by the eligible Chamorro voters,

Cognizant that the administering Power continues to implement its programme of transferring surplus federal land to the Government of Guam,

Noting that the people of the Territory have called for reform in the programme of the administering Power with respect to the thorough, unconditional and expeditious transfer of land property to the people of Guam,

Conscious that immigration into Guam has resulted in the indigenous Chamorros becoming a minority in their homeland,

Aware of the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture and other viable activities,

Recalling the dispatch in 1979 of a United Nations visiting mission to the Territory, and noting the recommendation of the 1996 Pacific regional seminar for sending a visiting mission to Guam,[11]

1. *Calls upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the plebiscite of 1987 and as provided for in Guam law, encourages the administering Power and the territorial Government of Guam to enter into negotiations on the matter, and requests the administering Power to inform the Secretary-General of progress to that end;

2. *Requests* the administering Power to continue to assist the elected territorial Government in achieving its political, economic and social goals;

3. *Also requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory;

4. *Further requests* the administering Power to continue to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam, and to take all necessary measures to respond to the concerns of the territorial Government with regard to the question of immigration;

5. *Requests* the administering Power to cooperate in establishing programmes specifically intended to promote the sustainable development of economic activities and enterprises, noting the special role of the Chamorro people in the development of Guam;

6. *Also requests* the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agricultural and other viable activities;

VII
Montserrat

Taking note with interest of the statements made and the information on the political and economic situation in Montserrat provided by the Chief Minister of the Territory to the Caribbean regional seminar, held at The Valley, Anguilla, from 20 to 22 May 2003,

Noting with concern the dire consequences of the volcanic eruption, which led to the evacuation of three quarters of the Territory's population to safe areas of the island and to areas outside the Territory, in particular Antigua and Barbuda and the United Kingdom of Great Britain and Northern Ireland, and which continues to have enduring consequences for the economy of the island,

Welcoming the continued assistance provided to the Territory by States members of the Caribbean Community, in particular Antigua and Barbuda, which has offered safe refuge and access to educational and health facilities, as well as employment for thousands who have left the Territory,

[11] See A/AC.109/2058, para. 33 (20).

Noting the continuing efforts of the administering Power to deal with the consequences of the volcanic eruption,

Noting with concern that a number of the inhabitants of the Territory continue to live in shelters because of volcanic activity,

Taking note of the constitutional review process led by the territorial Government,

1. *Calls upon* the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide assistance to the Territory in alleviating the consequences of the volcanic eruption;

2. *Welcomes* the continuing constitutional review process led by the Government of Montserrat in cooperation with the administering Power;

VIII
Pitcairn

Taking into account the unique nature of Pitcairn in terms of population and area,

Welcoming the participation of a representative of the Mayor of Pitcairn in the Pacific regional seminar, held in Madang, Papua New Guinea, from 18 to 20 May 2004, and taking note of the positive developments in the Territory,

Requests the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the representatives of Pitcairn on how best to support their economic security;

IX
Saint Helena

Taking into account the unique character of Saint Helena, its population and its natural resources,

Taking note of the constitutional review process led by the territorial Government,

Aware of the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of Saint Helena, in particular in the sphere of food production, continuing high unemployment and limited transport and communications,

Noting with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it,

1. *Welcomes* the continuing constitutional review process led by the Government of Saint Helena in cooperation with the administering Power;

2. *Requests* the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communications problems;

X

Turks and Caicos Islands

Noting the results of the general elections held in April 2003,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities, as well as its problems caused by illegal immigration and the need for continued cooperation between the administering Power and the territorial Government in countering drug trafficking and money-laundering,

Taking note of the constitutional review process led by the territorial Government,

Welcomes the continuing constitutional review process led by the Government of the Turks and Caicos Islands in cooperation with the administering Power;

XI

United States Virgin Islands

Noting the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community and the pending request by the Territory to the administering Power for the delegation of authority to proceed, as well as the 2003 resolution of the territorial legislature in support of that request,

Noting also the necessity of further diversifying the economy of the Territory,

Noting further the efforts of the Government of the Territory to promote the Territory as an offshore financial services centre,

Recalling that the Territory has not received a United Nations visiting mission since 1977, and bearing in mind the formal request of the Territory for such a mission in 1993 to assist the Territory in its political education process and to observe the Territory's only referendum on political status options in its history,

Noting the ongoing cooperation between the territorial Government and Denmark on the exchange of artefacts and archives,

1. *Requests* the administering Power to continue to assist the territorial Government in achieving its political, economic and social goals;

2. *Once again requests* the administering Power to facilitate the participation of the Territory, as appropriate, in various organizations, in particular the Organization of Eastern Caribbean States, the Caribbean Community and the Association of Caribbean States;

3. *Calls for* the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;

4. *Notes* the economic difficulties being experienced by the territorial Government and the fiscal austerity measures being implemented, and others proposed, to relieve the Territory's cash flow shortage, and calls upon the administering Power to continue to provide every assistance required by the Territory to further alleviate the difficult economic situation, including, inter alia, the provision of debt relief and loans;

5. *Notes also* the position of the territorial Government, including its articulation in resolution 1609 of 9 April 2001 of the 24th Legislature of the United States Virgin Islands, opposing the assumption by the administering Power of submerged land in territorial waters, having regard to relevant resolutions of the General Assembly on the ownership and control of natural resources, including marine resources, by the people of the Non-Self-Governing Territories, and its calls for the return of those marine resources within its jurisdiction.

Draft resolution V
Dissemination of information on decolonization

The General Assembly,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the dissemination of information on decolonization and publicity for the work of the United Nations in the field of decolonization,[1]

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular Assembly resolution 58/110 of 9 December 2003,

Recognizing the need for flexible, practical and innovative approaches to reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving the goals of the Second International Decade for the Eradication of Colonialism,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat, in accordance with the relevant resolutions of the United Nations on decolonization;

2. *Considers it important* to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis on the options for self-determination available to the peoples of Non-Self-Governing Territories;

3. *Requests* the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

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[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23), chap. III.

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. *Requests* all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above;

5. *Requests* the Special Committee to follow the implementation of the present resolution and to report thereon to the General Assembly at its sixtieth session.

Draft resolution VI
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly,

Having examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,[1]

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and all its subsequent resolutions concerning the implementation of the Declaration, the most recent of which was resolution 58/111 of 9 December 2003, as well as the relevant resolutions of the Security Council,

Bearing in mind its resolution 55/146 of 8 December 2000, by which it declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism, and the need to examine ways to ascertain the wishes of the peoples of the Non-Self-Governing Territories on the basis of resolution 1514 (XV) and other relevant resolutions on decolonization,

Recognizing that the eradication of colonialism has been one of the priorities of the United Nations and continues to be one of its priorities for the decade that began in 2001,

Reconfirming the need to take measures to eliminate colonialism before 2010, as called for in its resolution 55/146,

Reiterating its conviction of the need for the eradication of colonialism, as well as racial discrimination and violations of basic human rights,

Noting with satisfaction the achievements of the Special Committee in contributing to the effective and complete implementation of the Declaration and other relevant resolutions of the United Nations on decolonization,

Stressing the importance of the participation of the administering Powers in the work of the Special Committee,

Noting with satisfaction the cooperation and active participation of some administering Powers in the work of the Special Committee, and encouraging the others also to do so,

Taking note of the fact that the Special Committee held a Pacific regional seminar on advancing the decolonization process in the Pacific region at Madang, Papua New Guinea, from 18 to 20 May 2004,[2]

1. *Reaffirms* its resolution 1514 (XV) and all other resolutions and decisions on decolonization, including its resolution 55/146, by which it declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism, and calls upon the administering Powers, in accordance with those resolutions, to take all necessary steps to enable the peoples of the Non-Self-Governing Territories

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 23* (A/59/23).
[2] Ibid., chap. II, annex.

concerned to exercise fully as soon as possible their right to self-determination, including independence;

2. *Reaffirms once again* that the existence of colonialism in any form or manifestation, including economic exploitation, is incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;[3]

3. *Reaffirms its determination* to continue to take all steps necessary to bring about the complete and speedy eradication of colonialism and the faithful observance by all States of the relevant provisions of the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights;

4. *Affirms once again its support* for the aspirations of the peoples under colonial rule to exercise their right to self-determination, including independence, in accordance with relevant resolutions of the United Nations on decolonization;

5. *Approves* the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 2004,[1] including the programme of work envisaged for 2005;

6. *Calls upon* the administering Powers to cooperate fully with the Special Committee to finalize before the end of 2005 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

7. *Welcomes* the progress made in the ongoing consultations between the Special Committee and New Zealand, as administering Power for Tokelau, with the participation of representatives of the people of Tokelau, as evidenced by the decision of the General Fono of Tokelau in November 2003 to actively explore with New Zealand the option of self-government in free association;

8. *Requests* the Special Committee to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the General Assembly regarding the International Decade for the Eradication of Colonialism and the Second International Decade for the Eradication of Colonialism in all Territories that have not yet exercised their right to self-determination, including independence, and in particular:

(a) To formulate specific proposals to bring about an end to colonialism and to report thereon to the General Assembly at its sixtieth session;

(b) To continue to examine the implementation by Member States of resolution 1514 (XV) and other relevant resolutions on decolonization;

(c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, in

[3] Resolution 217 A (III).

accordance with relevant resolutions on decolonization, including resolutions on specific Territories;

(d) To finalize before the end of 2005 a constructive programme of work on a case-by-case basis for the Non-Self-Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions on decolonization, including resolutions on specific Territories;

(e) To continue to dispatch visiting missions to the Non-Self-Governing Territories in accordance with relevant resolutions on decolonization, including resolutions on specific Territories;

(f) To conduct seminars, as appropriate, for the purpose of receiving and disseminating information on the work of the Special Committee, and to facilitate participation by the peoples of the Non-Self-Governing Territories in those seminars;

(g) To take all necessary steps to enlist worldwide support among Governments, as well as national and international organizations, for the achievement of the objectives of the Declaration and the implementation of the relevant resolutions of the United Nations;

(h) To observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories;[4]

9. *Calls upon* all States, in particular the administering Powers, as well as the specialized agencies and other organizations of the United Nations system, to give effect within their respective spheres of competence to the recommendations of the Special Committee for the implementation of the Declaration and other relevant resolutions of the United Nations;

10. *Calls upon* the administering Powers to ensure that the economic activities in the Non-Self-Governing Territories under their administration do not adversely affect the interests of the peoples but instead promote development, and to assist them in the exercise of their right to self-determination;

11. *Urges* the administering Powers concerned to take effective measures to safeguard and guarantee the inalienable rights of the peoples of the Non-Self-Governing Territories to their natural resources, including land, and to establish and maintain control over the future development of those resources, and requests the administering Powers to take all necessary steps to protect the property rights of the peoples of those Territories;

12. *Urges* all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide moral and material assistance to the peoples of the Non-Self-Governing Territories, and requests the administering Powers to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economies of those Territories;

13. *Reaffirms* that the United Nations visiting missions to the Territories are an effective means of ascertaining the situation in the Territories, as well as the wishes and aspirations of their inhabitants, and calls upon the administering Powers

[4] See resolution 54/91.

to continue to cooperate with the Special Committee in the discharge of its mandate and to facilitate visiting missions to the Territories;

14. *Calls upon* the administering Powers that have not participated formally in the work of the Special Committee to do so at its session in 2005;

15. *Requests* the Secretary-General, the specialized agencies and other organizations of the United Nations system to provide economic, social and other assistance to the Non-Self-Governing Territories and to continue to do so, as appropriate, after they exercise their right to self-determination, including independence;

16. *Requests* the Secretary-General to provide the Special Committee with the facilities and services required for the implementation of the present resolution, as well as the other resolutions and decisions on decolonization adopted by the General Assembly and the Special Committee.

39. The Special Political and Decolonization Committee (Fourth Committee) recommends to the General Assembly the adoption of the following draft decisions:

Draft decision I
Question of Gibraltar

The General Assembly, recalling its decision 58/526 of 9 December 2003, and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984[1] stipulates, inter alia, the following:

> "The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution",

urges both Governments, while listening to the interests and aspirations of Gibraltar, to reach in the spirit of that statement a definitive solution to the question of Gibraltar, in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations.

Draft decision II
Increase in the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

The General Assembly decides to increase the membership of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples from twenty-five to twenty-seven and to appoint Dominica and Timor-Leste as members of the Committee.

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[1] A/39/732, annex.